IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ROCK MEDICAL GROUP, LLC, a Nebraska limited liability company; **Plaintiff,** vs. **KAYLA NICHOLS,** **Defendant.**	**8:23CV52** **ORDER TO SHOW CAUSE**

Plaintiff filed the Complaint on February 9, 2023. (Filing No. 1). On April 14, 2023, Plaintiff filed a Waiver of Service purporting to show an attorney, Hannah E. Frankel, agreed to accept and waive service on behalf of Defendant. (Filing No. 6). Defendant subsequently advised the Clerk of Court that Ms. Frankel was not retained by Defendant in this case. See May 8, 2023 – Public Remark. To date, Defendant has not filed any responsive pleading and Plaintiff has taken no further action in this case. Plaintiff has a duty to both serve Defendant and to prosecute the case, and may, for example, seek default in accordance with the applicable rules, voluntarily dismiss the case, request additional time to serve Defendant, or take other appropriate action. See NECivR 41.2. ("At any time, after appropriate notice, a case not being prosecuted with reasonable diligence may be dismissed for lack of prosecution."); Fed. R. Civ. P. 4(m) ("If a defendant is not served within 90 days after the complaint is filed, the court -- on motion or on its own after notice to the plaintiff -- must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period."). Accordingly,

IT IS ORDERED that Plaintiffs shall have until **June 12, 2023,** to show cause why this case should not be dismissed for failure to prosecute and/or failure to serve pursuant to Federal Rule of Civil Procedure 4(m), or take other appropriate action. The failure to timely comply with this order may result in dismissal of this action without further notice.

Dated this 22nd day of May, 2023.

BY THE COURT:

s/Michael D. Nelson
United States Magistrate Judge